Hovsepian v. Apple, Inc.

Doc. 60 Att. 3

EXHIBIT 4

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EDWARD H. PHILLIPS, Plaintiff-Appellant, v. AWH CORPORATION, HOPEMAN BROTHERS, INC., and LOFTON CORPORATION, Defendants-Cross Appellants.

03-1269, -1286

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

2005 U.S. App. LEXIS 13954

July 12, 2005, Decided

SUBSEQUENT HISTORY: As Amended July 14, 2005.

PRIOR HISTORY: [*1] Appealed from: United States District Court for the District of Colorado. Judge Marcia S. Krieger. Phillips v. AWH Corp., 2003 U.S. Dist. LEXIS 25199 (D. Colo., Jan. 21, 2003)

DISPOSITION: Affirmed in part, reversed in part, dismissed in part, and remanded.

CASE SUMMARY:

PROCEDURAL POSTURE: Plaintiff patent holder sued defendant former licensees in the United States District Court for the District of Colorado for misappropriation of trade secrets and patent infringement. The district court dismissed the trade secret misappropriation claim as time-barred and granted summary judgment of noninfringement. The patent holder appealed. An appellate panel affirmed on both issues. The appellate court reheard the appeal en banc.

OVERVIEW: The patent concerned modular, steel-shell panels that could be welded together to form vandalism-resistant walls. The patent holder made an agreement with the competitors to market and sell the panels. After that arrangement had ended, the patent holder discovered the competitors were continuing to use his trade secrets and patented technology without his consent. The en banc panel affirmed the dismissal of the trade secret misappropriation claim. However, it found that, the term "baffles" was not subject to 35 U.S.C.S. § 112, para. 6. Thus, the district court erred by limiting the term to corresponding structures disclosed in the specification and their equivalents. The fact that the written description of the patent set forth multiple objectives to be served by the baffles in the claims confirmed that the term should not have been read restrictively to require that the baffles serve all of the recited functions. A person of ordinary skill in the art would not have interpreted the disclosure and claims to mean that a structure extending inward from one of the wall faces was a "baffle" if disposed at an acute or obtuse angle, but was not a "baffle" if disposed at a right angle.

OUTCOME: The en banc panel affirmed the portion of the district court's judgment addressed to the trade secret misappropriation claims. However, it reversed the portion of the district court's judgment addressed to the issue of infringement.

CORE TERMS: specification, baffle, patent, invention, dictionary, skill, patentee, inventor, steel, angle, written description, extrinsic evidence, embodiment, shell, dictionary definition, deference, construing, disposed, treatise, projectile, bullet, intrinsic evidence, deflecting, customary, extending, deflect, outer, summary judgment, trade secret, angled

LexisNexis(R) Headnotes

Patent Law > Infringement Actions > Claim Interpretation > Means Plus Function

[HN1] The absence of the term "means" creates a rebuttable presumption that 35 U.S.C.S. § 112, para. 6, does not apply.

Patent Law > Infringement Actions > Claim Interpretation > Means Plus Function
[HN2] In the patent context, means-plus-function claiming applies only to purely functional limitations that do not provide the structure that performs the recited function.

Patent Law > Claims & Specifications > Description Requirement > General Overview
[HN3] See 35 U.S.C.S. § 112, para. 1.

Patent Law > Claims & Specifications > Description Requirement > General Overview
[HN4] See 35 U.S.C.S. § 112, para. 2.

Patent Law > Claims & Specifications > Description Requirement > General Overview
[HN5] The first two paragraphs of 35 U.S.C.S. § 112 frame the issue of claim interpretation. The second paragraph requires the court to look to the language of the claims to determine what the applicant regards as his invention. On the other hand, the first paragraph requires that the specification describe the invention set forth in the claims.

Patent Law > Claims & Specifications > Description Requirement > General Overview
Patent Law > Infringement Actions > Claim Interpretation > General Overview
Patent Law > Infringement Actions > Claim Interpretation > Scope
[HN6] It is a "bedrock principle" of patent law that the claims of a patent define the invention to which the patentee is entitled the right to exclude. The courts look to the words of the claims themselves to define the scope of the patented invention. The written description part of the specification itself does not delimit the right to exclude. That is the function and purpose of claims.

Patent Law > Infringement Actions > Claim Interpretation > General Overview
[HN7] Patent claims are of primary importance, in the effort to ascertain precisely what it is that is patented. Because the patentee is required to define precisely what his invention is, it is unjust to the public, as well as an evasion of the law, to construe it in a manner different from the plain import of its terms. The claims measure the invention. The claims made in the patent are the sole measure of the grant.

Patent Law > Infringement Actions > Claim Interpretation > General Overview
Patent Law > Infringement Actions > Claim Interpretation > Scope
[HN8] The words of a claim are generally given their ordinary and customary meaning.

Patent Law > Infringement Actions > Claim Interpretation > General Overview
Patent Law > Infringement Actions > Claim Interpretation > Scope
[HN9] The ordinary and customary meaning of a patent claim term is the meaning that the term would have to a person of ordinary skill in the art in question at the time of the invention, i.e., as of the effective filing date of the patent application.

Patent Law > Infringement Actions > Claim Interpretation > General Overview
Patent Law > Infringement Actions > Claim Interpretation > Scope
[HN10] The inquiry into how a person of ordinary skill in the art understands a claim term provides an objective baseline from which to begin claim interpretation. That starting point is based on the well-settled understanding that inventors are typically persons skilled in the field of the invention and that patents are addressed to and intended to be read by others of skill in the pertinent art.

Patent Law > Infringement Actions > Claim Interpretation > Aids
Patent Law > Infringement Actions > Claim Interpretation > Scope
[HN11] Importantly, the person of ordinary skill in the art is deemed to read the claim term not only in the context of the particular claim in which the disputed term appears, but in the context of the entire patent, including the specification. It is the person of ordinary skill in the field of the invention through whose eyes the claims are construed. Such a person is deemed to read the words used in the patent documents with an understanding of their meaning in the field, and to have knowledge of any special meaning and usage in the field. The inventor's words that are used to describe the invention--the inventor's lexicography--must be understood and interpreted by the court as they would be understood and interpreted by a person in that field of technology. Thus the court starts the decisionmaking process by reviewing the same resources as would that person, to wit, the patent specification and the prosecution history.

Patent Law > Infringement Actions > Claim Interpretation > Aids
Patent Law > Infringement Actions > Claim Interpretation > General Overview
Patent Law > Infringement Actions > Claim Interpretation > Scope
[HN12] The court cannot look at the ordinary meaning of the term in a vacuum. Rather, the court must look at the

ordinary meaning in the context of the written description and the prosecution history.

Patent Law > Infringement Actions > Claim Interpretation > Aids
Patent Law > Infringement Actions > Claim Interpretation > General Overview
Patent Law > Infringement Actions > Claim Interpretation > Scope
[HN13] In some cases, the ordinary meaning of patent claim language as understood by a person of skill in the art may be readily apparent even to lay judges, and claim construction in such cases involves little more than the application of the widely accepted meaning of commonly understood words. In such circumstances, general purpose dictionaries may be helpful. In many cases that give rise to litigation, however, determining the ordinary and customary meaning of the claim requires examination of terms that have a particular meaning in a field of art. Because the meaning of a claim term as understood by persons of skill in the art is often not immediately apparent, and because patentees frequently use terms idiosyncratically, the court looks to those sources available to the public that show what a person of skill in the art would have understood disputed claim language to mean. Those sources include the words of the claims themselves, the remainder of the specification, the prosecution history, and extrinsic evidence concerning relevant scientific principles, the meaning of technical terms, and the state of the art.

Patent Law > Infringement Actions > Claim Interpretation > Aids
Patent Law > Infringement Actions > Claim Interpretation > General Overview
Patent Law > Infringement Actions > Claim Interpretation > Scope
[HN14] Quite apart from the written description and the prosecution history, the claims themselves provide substantial guidance as to the meaning of particular claim terms. The context of the surrounding words of the claim also must be considered in determining the ordinary and customary meaning of those terms.

Patent Law > Infringement Actions > Claim Interpretation > Aids
Patent Law > Infringement Actions > Claim Interpretation > General Overview
Patent Law > Infringement Actions > Claim Interpretation > Scope
[HN15] In patent construction, the context in which a term is used in the asserted claim can be highly instructive.

Patent Law > Infringement Actions > Claim Interpretation > General Overview
Patent Law > Infringement Actions > Claim Interpretation > Scope
[HN16] In construing a patent, other claims of the patent in question, both asserted and unasserted, can be valuable sources of enlightenment as to the meaning of a claim term. Because claim terms are normally used consistently throughout the patent, the usage of a term in one claim can often illuminate the meaning of the same term in other claims.

Patent Law > Infringement Actions > Claim Interpretation > Claim Differentiation
[HN17] Differences among claims can be a useful guide in understanding the meaning of particular claim terms. For example, the presence of a dependent claim that adds a particular limitation gives rise to a presumption that the limitation in question is not present in the independent claim.

Patent Law > Infringement Actions > Claim Interpretation > Construction Preferences
Patent Law > Infringement Actions > Claim Interpretation > General Overview
Patent Law > Infringement Actions > Claim Interpretation > Scope
[HN18] Patent claims, of course, do not stand alone. Rather, they are part of a fully integrated written instrument, consisting principally of a specification that concludes with the claims. For that reason, claims must be read in view of the specification, of which they are a part. The specification is always highly relevant to the claim construction analysis. Usually, it is dispositive; it is the single best guide to the meaning of a disputed term.

Patent Law > Claims & Specifications > Description Requirement > Elements
Patent Law > Claims & Specifications > Description Requirement > General Overview
Patent Law > Claims & Specifications > General Overview
Patent Law > Infringement Actions > Claim Interpretation > Aids
Patent Law > Infringement Actions > Claim Interpretation > Scope
[HN19] The United States Court of Claims has characterized the specification as "a concordance for the claims," based on the statutory requirement that the specification describe the manner and process of making and using the patented invention.

Patent Law > Claims & Specifications > Description Requirement > General Overview

Patent Law > Claims & Specifications > General Overview
Patent Law > Infringement Actions > Claim Interpretation > Aids
Patent Law > Infringement Actions > Claim Interpretation > General Overview
Patent Law > Infringement Actions > Corporate & Government Infringers
[HN20] The descriptive part of the patent specification aids in ascertaining the scope and meaning of the claims inasmuch as the words of the claims must be based on the description. The specification is, thus, the primary basis for construing the claims.

Patent Law > Claims & Specifications > Description Requirement > General Overview
Patent Law > Claims & Specifications > General Overview
Patent Law > Infringement Actions > Claim Interpretation > Aids
Patent Law > Infringement Actions > Claim Interpretation > General Overview
Patent Law > Infringement Actions > Claim Interpretation > Scope
[HN21] The best source for understanding a technical term is the specification from which it arose, informed, as needed, by the prosecution history.

Patent Law > Claims & Specifications > Description Requirement > General Overview
Patent Law > Claims & Specifications > General Overview
Patent Law > Infringement Actions > Claim Interpretation > Aids
Patent Law > Infringement Actions > Claim Interpretation > General Overview
Patent Law > Infringement Actions > Claim Interpretation > Scope
[HN22] The specification is a component part of the patent and is as much to be considered with the letters patent in construing them, as any paper referred to in a deed or other contract. In case of doubt or ambiguity it is proper in all cases to refer back to the descriptive portions of the specification to aid in solving the doubt or in ascertaining the true intent and meaning of the language employed in the claims. The specification is appropriately resorted to for the purpose of better understanding the meaning of the claim. The claims of a patent are always to be read or interpreted in light of its specifications.

Patent Law > Claims & Specifications > Description Requirement > General Overview
Patent Law > Claims & Specifications > General Overview
Patent Law > Infringement Actions > Claim Interpretation > Aids
Patent Law > Infringement Actions > Claim Interpretation > General Overview
Patent Law > Infringement Actions > Claim Interpretation > Scope
[HN23] It is fundamental that patent claims are to be construed in the light of the specifications and both are to be read with a view to ascertaining the invention.

Patent Law > Claims & Specifications > Description Requirement > Elements
Patent Law > Claims & Specifications > Description Requirement > General Overview
Patent Law > Infringement Actions > Claim Interpretation > General Overview
Patent Law > Infringement Actions > Claim Interpretation > Scope
[HN24] The close kinship between the written description and the patent claims is enforced by the statutory requirement that the specification describe the claimed invention in full, clear, concise, and exact terms. 35 U.S.C.S. § 112, para. 1.

Patent Law > Claims & Specifications > Description Requirement > General Overview
Patent Law > Infringement Actions > Claim Interpretation > Aids
Patent Law > Infringement Actions > Claim Interpretation > General Overview
Patent Law > Infringement Actions > Claim Interpretation > Scope
[HN25] A fundamental rule of claim construction is that terms in a patent document are construed with the meaning with which they are presented in the patent document. Thus claims must be construed so as to be consistent with the specification, of which they are a part.

Patent Law > Infringement Actions > Claim Interpretation > General Overview
Patent Law > Infringement Actions > Claim Interpretation > Scope
[HN26] Ultimately, the interpretation to be given a patent term can only be determined and confirmed with a full understanding of what the inventors actually invented and intended to envelop with the claim. The construction that stays true to the claim language and most naturally aligns with the patent's description of the invention will be, in the end, the correct construction.

Patent Law > Infringement Actions > Claim Interpretation > Aids
Patent Law > Infringement Actions > Claim Interpretation > Construction Preferences

Patent Law > Infringement Actions > Claim Interpretation > General Overview
[HN27] United States Court of Appeals for the Federal Circuit cases recognize that a patent specification may reveal a special definition given to a claim term by the patentee that differs from the meaning it would otherwise possess. In such cases, the inventor's lexicography governs. In other cases, the specification may reveal an intentional disclaimer, or disavowal, of claim scope by the inventor. In that instance as well, the inventor has dictated the correct claim scope, and the inventor's intention, as expressed in the specification, is regarded as dispositive.

Patent Law > Claims & Specifications > Description Requirement > General Overview
Patent Law > Infringement Actions > Claim Interpretation > Aids
Patent Law > Infringement Actions > Claim Interpretation > General Overview
Patent Law > Infringement Actions > Claim Interpretation > Scope
[HN28] The pertinence of the specification to patent claim construction is reinforced by the manner in which a patent is issued. The Patent and Trademark Office (PTO) determines the scope of claims in patent applications not solely on the basis of the claim language, but upon giving claims their broadest reasonable construction in light of the specification as it would be interpreted by one of ordinary skill in the art. Indeed, the rules of the PTO require that application claims must conform to the invention as set forth in the remainder of the specification and the terms and phrases used in the claims must find clear support or antecedent basis in the description so that the meaning of the terms in the claims may be ascertainable by reference to the description. 37 C.F.R. § 1.75(d)(1). It is therefore entirely appropriate for a court, when conducting claim construction, to rely heavily on the written description for guidance as to the meaning of the claims.

Patent Law > Infringement Actions > Claim Interpretation > Aids
Patent Law > Infringement Actions > Claim Interpretation > General Overview
Patent Law > Infringement Actions > Claim Interpretation > Scope
[HN29] In construing patent claims, in addition to consulting the specification, a court should also consider the patent's prosecution history, if it is in evidence. An invention is construed not only in the light of the claims, but also with reference to the file wrapper or prosecution history in the Patent and Trademark Office (PTO). The prosecution history, which is part of the "intrinsic evidence," consists of the complete record of the proceedings before the PTO and includes the prior art cited during the examination of the patent. Furthermore, like the specification, the prosecution history was created by the patentee in attempting to explain and obtain the patent. Yet because the prosecution history represents an ongoing negotiation between the PTO and the applicant, rather than the final product of that negotiation, it often lacks the clarity of the specification and thus is less useful for claim construction purposes. Nonetheless, the prosecution history can often inform the meaning of the claim language by demonstrating how the inventor understood the invention and whether the inventor limited the invention in the course of prosecution, making the claim scope narrower than it would otherwise be. The purpose of consulting the prosecution history in construing a claim is to exclude any interpretation that was disclaimed during prosecution.

Patent Law > Infringement Actions > Claim Interpretation > Aids
Patent Law > Infringement Actions > Claim Interpretation > General Overview
[HN30] Although the United States Court of Appeals for the Federal Circuit has emphasized the importance of intrinsic evidence in claim construction, it has also authorized district courts to rely on extrinsic evidence, which consists of all evidence external to the patent and prosecution history, including expert and inventor testimony, dictionaries, and learned treatises. However, while extrinsic evidence can shed useful light on the relevant art, the Federal Circuit has explained that it is less significant than the intrinsic record in determining the legally operative meaning of claim language.

Patent Law > Infringement Actions > Claim Interpretation > Aids
[HN31] Within the class of extrinsic evidence, the United States Court of Appeals for the Federal Circuit has observed that dictionaries and treatises can be useful in claim construction. The Federal Circuit has especially noted the help that technical dictionaries may provide to a court to better understand the underlying technology and the way in which one of skill in the art might use the claim terms. Because dictionaries, and especially technical dictionaries, endeavor to collect the accepted meanings of terms used in various fields of science and technology, those resources have been properly recognized as among the many tools that can assist the court in determining the meaning of particular terminology to those of skill in the art of the invention. Such evidence, may be considered if the court deems it helpful in determining the true meaning of language used in the patent claims.

Patent Law > Infringement Actions > Claim Interpretation > Aids
[HN32] Extrinsic evidence in the form of expert testimony can be useful to a court interpreting patent claims for a variety of purposes, such as to provide background on the technology at issue, to explain how an invention works, to ensure that the court's understanding of the technical aspects of the patent is consistent with that of a person of skill in the art, or to establish that a particular term in the patent or the prior art has a particular meaning in the pertinent field. However, conclusory, unsupported assertions by experts as to the definition of a claim term are not useful to a court. Similarly, a court should discount any expert testimony that is clearly at odds with the claim construction mandated by the claims themselves, the written description, and the prosecution history, in other words, with the written record of the patent.

Patent Law > Infringement Actions > Claim Interpretation > Aids
[HN33] The United States Court of Appeals for the Federal Circuit has viewed extrinsic evidence in general as less reliable than the patent and its prosecution history in determining how to read claim terms.

Patent Law > Infringement Actions > Claim Interpretation > Aids
[HN34] Extrinsic evidence by definition is not part of the patent and does not have the specification's virtue of being created at the time of patent prosecution for the purpose of explaining the patent's scope and meaning.

Patent Law > Infringement Actions > Claim Interpretation > Aids
[HN35] While patent claims are construed as they would be understood by a hypothetical person of skill in the art, extrinsic publications may not be written by or for skilled artisans and therefore may not reflect the understanding of a skilled artisan in the field of the patent.

Patent Law > Infringement Actions > Claim Interpretation > Aids
[HN36] In the context of patent construction, extrinsic evidence consisting of expert reports and testimony is generated at the time of and for the purpose of litigation and thus can suffer from bias that is not present in intrinsic evidence. The effect of that bias can be exacerbated if the expert is not one of skill in the relevant art or if the expert's opinion is offered in a form that is not subject to cross-examination.

Patent Law > Infringement Actions > Claim Interpretation > Aids
[HN37] Undue reliance on extrinsic evidence in construing patent claims poses the risk that it will be used to change the meaning of claims in derogation of the indisputable public records consisting of the claims, the specification and the prosecution history, thereby undermining the public notice function of patents.

Patent Law > Infringement Actions > Claim Interpretation > Aids
[HN38] Extrinsic evidence may be useful to the court, but it is unlikely to result in a reliable interpretation of patent claim scope unless considered in the context of the intrinsic evidence. Nonetheless, because extrinsic evidence can help educate the court regarding the field of the invention and can help the court determine what a person of ordinary skill in the art would understand claim terms to mean, it is permissible for the district court in its sound discretion to admit and use such evidence. In exercising that discretion, and in weighing all the evidence bearing on claim construction, the court should keep in mind the flaws inherent in each type of evidence and assess that evidence accordingly.

Patent Law > Claims & Specifications > Description Requirement > General Overview
Patent Law > Infringement Actions > Claim Interpretation > Aids
Patent Law > Infringement Actions > Claim Interpretation > General Overview
Patent Law > Infringement Actions > Claim Interpretation > Scope
[HN39] The patent specification is the single best guide to the meaning of a disputed term, and that the specification acts as a dictionary when it expressly defines terms used in the claims or when it defines terms by implication. Even when guidance is not provided in explicit definitional format, the specification may define claim terms by implication such that the meaning may be found in or ascertained by a reading of the patent documents.

Patent Law > Infringement Actions > Claim Interpretation > General Overview
Patent Law > Infringement Actions > Claim Interpretation > Scope
[HN40] For patent construction purposes, properly viewed, the "ordinary meaning" of a claim term is its meaning to the ordinary artisan after reading the entire patent.

Patent Law > Infringement Actions > Claim Interpretation > Construction Preferences
Patent Law > Infringement Actions > Claim Interpretation > General Overview

Patent Law > Infringement Actions > Claim Interpretation > Scope
[HN41] If a patent claim is fairly susceptible of two constructions, that should be adopted which will secure to the patentee his actual invention.

Patent Law > Infringement Actions > Claim Interpretation > Aids
[HN42] There is no guarantee that a patent term is used in the same way in a treatise as it would be by the patentee. In fact, discrepancies between the patent and treatises are apt to be common because the patent by its nature describes something novel.

Patent Law > Infringement Actions > Claim Interpretation > Aids
[HN43] Often an invention is novel and words do not exist to describe it. The dictionary does not always keep abreast of the inventor. It cannot.

Patent Law > Infringement Actions > Claim Interpretation > Aids
[HN44] Different dictionaries may contain somewhat different sets of definitions for the same words. A patent claim should not rise or fall based upon the preferences of a particular dictionary editor, or the court's independent decision, uninformed by the specification, to rely on one dictionary rather than another.

Patent Law > Infringement Actions > Claim Interpretation > Aids
[HN45] The authors of dictionaries or treatises may simplify ideas to communicate them most effectively to the public and may thus choose a meaning that is not pertinent to the understanding of particular patent claim language. The resulting definitions therefore do not necessarily reflect the inventor's goal of distinctly setting forth his invention as a person of ordinary skill in that particular art would understand it.

Patent Law > Infringement Actions > Claim Interpretation > Aids
[HN46] The United States Court of Appeals for the Federal Circuit does not intend to preclude the appropriate use of dictionaries in construing patents. Dictionaries or comparable sources are often useful to assist in understanding the commonly understood meaning of words and have been used both by the Federal Circuit and the Supreme Court in patent claim interpretation. A dictionary definition has the value of being an unbiased source accessible to the public in advance of litigation. Judges are free to consult dictionaries and technical treatises at any time in order to better understand the underlying technology and may also rely on dictionary definitions when construing claim terms, so long as the dictionary definition does contradict any definition found in or ascertained by a reading of the patent documents.

Patent Law > Infringement Actions > Claim Interpretation > Construction Preferences
Patent Law > Infringement Actions > Claim Interpretation > General Overview
Patent Law > Infringement Actions > Claim Interpretation > Scope
[HN47] The line between construing terms and importing limitations can be discerned with reasonable certainty and predictability if the court's focus remains on understanding how a person of ordinary skill in the art would understand the claim terms. For instance, although the specification often describes very specific embodiments of the invention, we have repeatedly warned against confining the claims to those embodiments. In particular, we have expressly rejected the contention that if a patent describes only a single embodiment, the claims of the patent must be construed as being limited to that embodiment. That is not just because 35 U.S.C.S. § 112 requires that the claims themselves set forth the limits of the patent grant, but also because persons of ordinary skill in the art rarely would confine their definitions of terms to the exact representations depicted in the embodiments.

Patent Law > Infringement Actions > Claim Interpretation > Scope
Patent Law > Infringement Actions > Exclusive Rights > Limitations
[HN48] To avoid importing limitations from the specification into the claims, it is important to keep in mind that the purposes of the specification are to teach and enable those of skill in the art to make and use the invention and to provide a best mode for doing so. Much of the time, upon reading the specification, it will become clear whether the patentee is setting out specific examples of the invention to accomplish those goals, or whether the patentee instead intends for the claims and the embodiments in the specification to be strictly coextensive. The manner in which the patentee uses a term within the specification and claims usually will make the distinction apparent.

Patent Law > Infringement Actions > Claim Interpretation > Construction Preferences
Patent Law > Infringement Actions > Claim Interpretation > General Overview
Patent Law > Infringement Actions > Claim Interpretation > Scope
[HN49] There is no magic formula or catechism for conducting claim construction. Nor is the court barred from considering any particular sources or required to

analyze sources in any specific sequence, as long as those sources are not used to contradict claim meaning that is unambiguous in light of the intrinsic evidence. For example, a judge who encounters a claim term while reading a patent might consult a general purpose or specialized dictionary to begin to understand the meaning of the term, before reviewing the remainder of the patent to determine how the patentee has used the term. The sequence of steps used by the judge in consulting various sources is not important; what matters is for the court to attach the appropriate weight to be assigned to those sources in light of the statutes and policies that inform patent law.

Patent Law > Claims & Specifications > Description Requirement > General Overview
Patent Law > Claims & Specifications > Description Requirement > Written Description Versus Enablement
[HN50] The patent specification must teach and enable all the claims.

Patent Law > Infringement Actions > Claim Interpretation > General Overview
Patent Law > Infringement Actions > Claim Interpretation > Scope
[HN51] The fact that a patent asserts that an invention achieves several objectives does not require that each of the claims be construed as limited to structures that are capable of achieving all of the objectives.

Patent Law > Infringement Actions > Claim Interpretation > Construction Preferences
Patent Law > Infringement Actions > Claim Interpretation > General Overview
Patent Law > Infringement Actions > Claim Interpretation > Scope
Patent Law > Infringement Actions > Defenses > Patent Invalidity > General Overview
Patent Law > Infringement Actions > Defenses > Patent Invalidity > Validity Presumption
[HN52] Patent claims should be so construed, if possible, as to sustain their validity.

Patent Law > Infringement Actions > Claim Interpretation > General Overview
Patent Law > Infringement Actions > Claim Interpretation > Scope
Patent Law > Infringement Actions > Defenses > Patent Invalidity > General Overview
Patent Law > Infringement Actions > Defenses > Patent Invalidity > Validity Presumption
[HN53] While the United States Court of Appeals for the Federal Circuit has acknowledged the maxim that claims should be construed to preserve their validity, it has not applied that principle broadly, and has certainly not endorsed a regime in which validity analysis is a regular component of claim construction. Instead, the Federal Circuit has limited the maxim to cases in which the court concludes, after applying all the available tools of claim construction, that the claim is still ambiguous. Claims can only be construed to preserve their validity where the proposed claim construction is "practicable," is based on sound claim construction principles, and does not revise or ignore the explicit language of the claims. In such cases, the Federal Circuit has looked to whether it is reasonable to infer that the Patent & Trademark Office would not have issued an invalid patent, and that the ambiguity in the claim language should therefore be resolved in a manner that would preserve the patent's validity.

Patent Law > Infringement Actions > Claim Interpretation > Construction Preferences
Patent Law > Infringement Actions > Claim Interpretation > General Overview
Patent Law > Infringement Actions > Claim Interpretation > Scope
Patent Law > Infringement Actions > Defenses > Patent Invalidity > General Overview
Patent Law > Infringement Actions > Defenses > Patent Invalidity > Validity Presumption
[HN54] The applicability of the doctrine of patent validity in a particular case depends on the strength of the inference that the Patent & Trademark Office (PTO) would have recognized that one claim interpretation would render the claim invalid, and that the PTO would not have issued the patent assuming that to be the proper construction of the term.

Patent Law > Infringement Actions > Claim Interpretation > Construction Preferences
Patent Law > Infringement Actions > Claim Interpretation > General Overview
Patent Law > Infringement Actions > Claim Interpretation > Scope
Patent Law > Infringement Actions > Defenses > Patent Invalidity > General Overview
Patent Law > Infringement Actions > Defenses > Patent Invalidity > Validity Presumption
[HN55] The doctrine of construing claims to preserve their validity is a doctrine of limited utility in any event.

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JUDGES: Before MICHEL, Chief Judge, NEWMAN, MAYER, LOURIE, CLEVENGER, RADER, SCHALL, BRYSON, GAJARSA, LINN, DYK, and PROST, Circuit Judges. Opinion for the court filed by Circuit Judge BRYSON, in which Chief Judge MICHEL and Circuit Judges CLEVENGER, RADER, SCHALL, GAJARSA, LINN, DYK, and PROST join; and in which Circuit Judge LOURIE joins with respect to parts I, II, III, V, and VI; and in which Circuit Judge NEWMAN joins with respect to parts I, II, III, and V. Opinion concurring in part and dissenting in part filed by Circuit Judge LOURIE, in which [*10] Circuit Judge NEWMAN joins. Dissenting opinion filed by Circuit Judge MAYER, in which Circuit Judge NEWMAN joins.

OPINIONBY: BRYSON

OPINION: BRYSON, Circuit Judge.

Edward H. Phillips invented modular, steel-shell panels that can be welded together to form vandalism-resistant walls. The panels are especially useful in building prisons because they are load-bearing and impact-resistant, while also insulating against fire and noise. Mr. Phillips obtained a patent on the invention, U.S. Patent No. 4,677,798 ("the '798 patent"), and he subsequently entered into an arrangement with AWH Corporation, Hopeman Brothers, Inc., and Lofton Corporation (collectively "AWH") to market and sell the panels. That arrangement ended in 1990. In 1991, however, Mr. Phillips received a sales brochure from AWH that suggested to him that AWH was continuing to use his trade secrets and patented technology without his consent. In a series of letters in 1991 and 1992, Mr. Phillips accused AWH of patent infringement and trade secret misappropriation. Correspondence between the parties regarding the matter ceased after that time.

In February 1997, Mr. Phillips brought suit in the United States District Court for [*11] the District of Colorado charging AWH with misappropriation of trade secrets and infringement of claims 1, 21, 22, 24, 25, and 26 of the '798 patent. Phillips v. AWH Corp., No. 97-N-212 (D. Colo.). The district court dismissed the trade secret misappropriation claim as barred by Colorado's three-year statute of limitations.

With regard to the patent infringement issue, the district court focused on the language of claim 1, which recites "further means disposed inside the shell for increasing its load bearing capacity comprising internal steel baffles extending inwardly from the steel shell walls." The court interpreted that language as "a means . . . for performing a specified function," subject to 35 U.S.C. § 112, paragraph 6, which provides that such a claim "shall be cons trued to cover the corresponding structure, material, or acts described in the specification and equivalents thereof." Looking to the specification of the '798 patent, the court noted that "every textual reference in the Specification and its diagrams show baffle deployment at an angle other than 90 [degree] to the wall faces" and that "placement of the baffles at such angles creates [*12] an intermediate interlocking, but not solid, internal barrier." The district court therefore ruled that, for purposes of the '798 patent, a baffle must "extend inward from the steel shell walls at an oblique or acute angle to the wall face" and must form part of an interlocking barrier in the interior of the wall module. Because Mr. Phillips could not prove infringement under that claim construction, the district court granted summary judgment of noninfringement.

Mr. Phillips appealed with respect to both the trade secret and patent infringement claims. A panel of this court affirmed on both issues. Phillips v. AWH Corp., 363 F.3d 1207 (Fed. Cir. 2004). As to the trade secret claim, the panel unanimously upheld the district court's ruling that the claim was barred by the applicable statute of limitations. Id. at 1215. As to the patent infringement claims, the panel was divided. The majority sustained the district court's summary judgment of noninfringement, although on different grounds. The dissenting judge would have reversed the summary judgment of noninfringement.

The panel first determined that because the asserted claims of the '798 patent [*13] contain a sufficient recitation of structure, the district court erred by construing the term "baffles" to invoke the "means-plus-function" claim format authorized by section 112, paragraph 6. Id. at 1212. Nonetheless, the panel concluded that the patent uses the term "baffles" in a restrictive manner. Based on the patent's written description, the panel held that the claim term "baffles" excludes structures that extend at a 90 degree angle from the walls. The panel noted that the specification repeatedly refers to the ability of the claimed baffles to deflect projectiles and that it describes the baffles as being "disposed at such angles that bullets which might penetrate the outer steel panels are deflected." '798 patent, col. 2, ll. 13-15; see also id. at col. 5, ll. 17-19 (baffles are "disposed at angles which tend to deflect the bullets"). In addition, the panel observed that nowhere in the patent is there any disclosure of a baffle projecting from the wall at a right angle and that baffles oriented at 90 degrees to the wall were found in the prior art. Based on "the specification's explicit descriptions," the panel concluded "that the patentee regarded his [*14] invention as panels providing impact or projectile resistance and that the baffles must be oriented at angles other than 90 [degree]." Phillips, 363 F.3d at 1213. The panel added that the patent specification "is intended to support and inform the claims, and here it makes it unmistakably clear that the invention involves baffles angled at other than 90 [degree]." Id. at 1214. The panel therefore upheld the district court's summary judgment of noninfringement.

The dissenting judge argued that the panel had improperly limited the claims to the particular embodiment of the invention disclosed in the specification, rather than adopting the "plain meaning" of the term "baffles." The dissenting judge noted that the parties had stipulated that "baffles" are a "means for obstructing, impeding, or checking the flow of something," and that the panel majority had agreed that the ordinary meaning of baffles is "something for deflecting, checking, or otherwise regulating flow." Phillips, 363 F.3d at 1216-17. In the dissent's view, nothing in the specification redefined the term "baffles" or constituted a disclaimer specifically limiting the [*15] term to less than the full scope of its ordinary meaning. Instead, the dissenting judge contended, the specification "merely identifies impact resistance as one of several objectives of the invention." Id. at 1217. In sum, the dissent concluded that "there is no reason to supplement the plain meaning of the claim language with a limitation from the preferred embodiment." Id. at 1218. Consequently, the dissenting judge argued that the court should have adopted the general purpose dictionary definition of the term baffle, i.e., "something for deflecting, checking, or otherwise regulating flow," id., and therefore should have reversed the summary judgment of noninfringement.

This court agreed to rehear the appeal en banc and vacated the judgment of the panel. Phillips v. AWH Corp., 376 F.3d 1382 (Fed. Cir. 2004). We now affirm the portion of the district court's judgment addressed to the trade secret misappropriation claims. However, we reverse the portion of the court's judgment addressed to the issue of infringement.

I

Claim 1 of the '798 patent is representative of the asserted claims with respect to the use of the term "baffles. [*16] " It recites:

> Building modules adapted to fit together for construction of fire, sound and impact resistant security barriers and rooms for use in securing records and persons, comprising in combination, an outer shell . . . , sealant means . . . and further means disposed inside the shell for increasing its load bearing capacity comprising internal steel baffles extending inwardly from the steel shell walls.

As a preliminary matter, we agree with the panel that the term "baffles" is not means-plus-function language that invokes 35 U.S.C. § 112, paragraph 6. To be sure, the claim refers to "means disposed inside the shell for increasing its load bearing capacity," a formulation that would ordinarily be regarded as invoking the means-plus-function claim format. However, the claim specifically identifies "internal steel baffles" as structure that performs the recited function of increasing the shell's load-bearing capacity. In contrast to the "load bearing means" limitation, the reference to "baffles" does not use the word "means," and we have held that [HN1] the absence of that term creates a rebuttable presumption that section 112, paragraph 6, does not [*17] apply. See Personalized Media Communs., LLC v. ITC, 161 F.3d 696, 703-04 (Fed. Cir. 1998).

[HN2] Means-plus-function claiming applies only to purely functional limitations that do not provide the structure that performs the recited function. See Watts v. XL Sys., Inc., 232 F.3d 877, 880-81 (Fed. Cir. 2000). While the baffles in the '798 patent are clearly intended to perform several functions, the term "baffles" is nonetheless structural; it is not a purely functional placeholder in which structure is filled in by the specification. See TurboCare Div. of Demag Delaval Turbomachinery Corp. v. GE, 264 F.3d 1111, 1121 (Fed. Cir. 2001) (reasoning that nothing in the specification or prosecution history suggests that the patentee used the term "compressed spring" to denote any structure that is capable of performing the specified function); Greenberg v. Ethicon Endo-Surgery, Inc., 91 F.3d 1580, 1583 (Fed. Cir. 1996) (construing the term "detent mechanism" to refer to particular structure, even though the term has functional connotations). The claims and the specification unmistakably establish [*18] that the "steel baffles" refer to particular physical apparatus. The claim characterizes the baffles as "extending inwardly" from the steel shell walls, which plainly implies that the baffles are structures. The specification likewise makes clear that the term "steel baffles" refers to particular internal wall structures and is not simply a general description of any structure that will perform a particular function. See, e.g., '798 patent, col. 4, ll. 25-26 ("the load bearing baffles 16 are optionally used with longer panels"); id., col. 4, ll. 49-50 (opposing panels are "compressed between the flange 35 and the baffle 26"). Because the term "baffles" is not subject to section 112, paragraph 6, we agree with the panel that the district court erred by limiting the term to corresponding structures disclosed in the specification and their equivalents. Accordingly, we must determine the correct construction of the structural term "baffles," as used in the '798 patent.

II

The first paragraph of section 112 of the Patent Act, 35 U.S.C. § 112, states that the specification

> [HN3] shall contain a written description of the invention, and of the manner and [*19] process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains . . . to make and use the same . . . .

The second paragraph of section 112 provides that the specification

> [HN4] shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

[HN5] Those two paragraphs of section 112 frame the issue of claim interpretation for us. The second paragraph requires us to look to the language of the claims to determine what "the applicant regards as his invention." On the other hand, the first paragraph requires that the specification describe the invention set forth in the claims. The principal question that this case presents to us is the extent to which we should resort to and rely on a patent's specification in seeking to ascertain the proper scope of its claims.

This is hardly a new question. The role of the specification in claim construction has been an issue in patent law decisions in this country for nearly two centuries. We addressed the relationship between the specification and the claims at some length [*20] in our en banc opinion in Markman v. Westview Instruments, Inc., 52 F.3d 967, 979-81 (Fed. Cir. 1995) (en banc), aff'd, 517 U.S. 370, 134 L. Ed. 2d 577, 116 S. Ct. 1384 (1996). We again summarized the applicable principles in Vitronics Corp. v. Conceptronic, Inc., 90 F.3d 1576 (Fed. Cir. 1996), and more recently in Innova/Pure Water, Inc. v. Safari Water Filtration Systems, Inc., 381 F.3d 1111 (Fed. Cir. 2004). What we said in those cases bears restating, for the basic principles of claim construction outlined there are still applicable, and we reaffirm them today. We have also previously considered the use of dictionaries in claim construction. What we have said in that regard requires clarification.

A

[HN6] It is a "bedrock principle" of patent law that "the claims of a patent define the invention to which the patentee is entitled the right to exclude." Innova, 381 F.3d at 1115; see also Vitronics, 90 F.3d at 1582 ("we look to the words of the claims themselves . . . to define the scope of the patented invention"); Markman, 52 F.3d at 980 ("The written description part of the specification [*21] itself does not delimit the right to exclude. That is the function and purpose of claims."). That principle has been recognized since at least 1836, when Congress first required that the specification include a portion in which the inventor "shall particularly specify and point out the part, improvement, or combination, which he claims as his own invention or discovery." Act of July 4, 1836, ch. 357, § 6, 5 Stat. 117, 119. In the following years, the Supreme Court made clear that the [HN7] claims are "of primary importance, in the effort to ascertain precisely what it is that is patented." Merrill v. Yeomans, 94 U.S. 568, 570, 24 L. Ed. 235, 1877 Dec. Comm'r Pat. 279 (1876). Because the patentee is required to "define precisely what his invention is," the Court explained, it is "unjust to the public, as well as an evasion of the law, to construe it in a manner different from the plain import of its terms." White v. Dunbar, 119 U.S. 47, 52, 30 L. Ed. 303, 7 S. Ct. 72, 1886 Dec. Comm'r Pat. 494 (1886); see also Cont'l Paper Bag Co. v. E. Paper Bag Co., 210 U.S. 405, 419, 52 L. Ed. 1122, 28 S. Ct. 748, 1908 Dec. Comm'r Pat. 594 (1908) ("the claims measure the invention"); McCarty v. Lehigh Valley R.R. Co., 160 U.S. 110, 116, 40 L. Ed. 358, 16 S. Ct. 240, 1895 Dec. Comm'r Pat. 721 (1895) [*22] ("if we once begin to include elements not mentioned in the claim, in order to limit such claim . . . , we should never know where to stop"); Aro Mfg. Co. v. Convertible Top Replacement Co., 365 U.S. 336, 339, 5 L. Ed. 2d 592, 81 S. Ct. 599, 1961 Dec. Comm'r Pat. 635 (1961) ("the claims made in the patent are the sole measure of the grant").

We have frequently stated that [HN8] the words of a claim "are generally given their ordinary and customary meaning." Vitronics, 90 F.3d at 1582; see also Toro Co. v. White Consol. Indus., Inc., 199 F.3d 1295, 1299 (Fed. Cir. 1999); Renishaw PLC v. Marposs Societa' per Azioni, 158 F.3d 1243, 1249 (Fed. Cir. 1998). We have made clear, moreover, that [HN9] the ordinary and customary meaning of a claim term is the meaning that the term would have to a person of ordinary skill in the art in question at the time of the invention, i.e., as of the effective filing date of the patent application. See Innova, 381 F.3d at 1116 ("A court construing a patent claim seeks to accord a claim the meaning it would have to a person of ordinary skill in the art at the time of the invention."); Home Diagnostics, Inc. v. LifeScan, Inc., 381 F.3d 1352, 1358 (Fed. Cir. 2004) [*23] ("customary meaning" refers to the "customary meaning in [the] art field"); Ferguson Beauregard/Logic Controls v. Mega Sys., LLC, 350 F.3d 1327, 1338 (Fed. Cir. 2003) (claim terms "are examined through the viewing glass of a person skilled in the art"); see also PC Connector Solutions LLC v. SmartDisk Corp., 406 F.3d 1359, 1363 (Fed. Cir. 2005) (meaning of cl aim "must be interpreted as of [the] effective filing date" of the patent application); Schering Corp. v. Amgen Inc., 222 F.3d 1347, 1353 (Fed. Cir. 2000) (same).

[HN10] The inquiry into how a person of ordinary skill in the art understands a claim term provides an objective baseline from which to begin claim interpretation. See Innova, 381 F.3d at 1116. That starting point is based on the well-settled understanding that inventors are typically persons skilled in the field of the invention and that patents are addressed to and intended to be read by others of skill in the pertinent art. See Verve, LLC v. Crane Cams, Inc., 311 F.3d 1116, 1119 (Fed. Cir. 2002) (patent documents are meant to be "a concise statement for persons in the field"); [*24] In re Nelson, 47 C.C.P.A. 1031, 280 F.2d 172, 181, 1960 Dec. Comm'r Pat. 369 (CCPA 1960) ("The descriptions in patents are not addressed to the public generally, to lawyers or to judges, but, as section 112 says, to those skilled in the art to which the invention pertains or with which it is most nearly connected.").

[HN11] Importantly, the person of ordinary skill in the art is deemed to read the claim term not only in the context of the particular claim in which the disputed term appears, but in the context of the entire patent, including the specification. This court explained that point well in Multiform Desiccants, Inc. v. Medzam, Ltd., 133 F.3d 1473, 1477 (Fed. Cir. 1998):

> It is the person of ordinary skill in the field of the invention through whose eyes the claims are construed. Such person is deemed to read the words used in the patent documents with an understanding of their meaning in the field, and to have knowledge of any special meaning and usage in the field. The inventor's words that are used to describe the invention--the inventor's lexicography--must be understood and interpreted by the court as they would be understood and interpreted by a person in that field [*25] of technology. Thus the court starts the decisionmaking process by reviewing the same resources as would that person, viz., the patent specification and the prosecution history.

See also Medrad, Inc. v. MRI Devices Corp., 401 F.3d 1313, 1319 (Fed. Cir. 2005) [HN12] ("We cannot look at the ordinary meaning of the term . . . in a vacuum. Rather, we must look at the ordinary meaning in the context of the written description and the prosecution history."); V-Formation, Inc. v. Benetton Group SpA, 401 F.3d 1307, 1310 (Fed. Cir. 2005) (intrinsic record "usually provides the technological and temporal context to enable the court to ascertain the meaning of the claim to one of ordinary skill in the art at the time of the invention"); Unitherm Food Sys., Inc. v. Swift-Eckrich, Inc., 375 F.3d 1341, 1351 (Fed. Cir. 2004) (proper definition is the "definition that one of ordinary skill in the art could ascertain from the intrinsic evidence in the record").

B

[HN13] In some cases, the ordinary meaning of claim language as understood by a person of skill in the art may be readily apparent even to lay judges, and claim construction in such cases [*26] involves little more than the application of the widely accepted meaning of commonly understood words. See Brown v. 3M,265 F.3d 1349, 1352 (Fed Cir. 2001) (holding that the claims did "not require elaborate interpretation"). In such circumstances, general purpose dictionaries may be helpful. In many cases that give rise to litigation, however, determining the ordinary and customary meaning of the claim requires examination of terms that have a particular meaning in a field of art. Because the meaning of a claim term as understood by persons of skill in the art is often not immediately apparent, and because patentees frequently use terms idiosyncratically, the court looks to "those sources available to the public that show what a person of skill in the art would have understood disputed claim language to mean." Innova, 381 F.3d at 1116. Those sources include "the words of the claims themselves, the remainder of the specification, the prosecution history, and extrinsic evidence concerning relevant scientific principles, the meaning of technical terms, and the state of the art." Id.; see also Gemstar-TV Guide Int'l, Inc. v. ITC, 383 F.3d 1352, 1364 (Fed. Cir. 2004); [*27] Vitronics, 90 F.3d at 1582-83; Markman, 52 F.3d at 979-80.

1

[HN14] Quite apart from the written description and the prosecution history, the claims themselves provide substantial guidance as to the meaning of particular claim terms. See Vitronics, 90 F.3d at 1582; see also ACTV, Inc. v. Walt Disney Co., 346 F.3d 1082, 1088 (Fed. Cir. 2003) ("the context of the surrounding words of the claim also must be considered in determining the ordinary and customary meaning of those terms").

To begin with, [HN15] the context in which a term is used in the asserted claim can be highly instructive. To take a simple example, the claim in this case refers to "steel baffles," which strongly implies that the term "baffles" does not inherently mean objects made of steel. This court's cases provide numerous similar examples in which the use of a term within the claim provides a firm basis for construing the term. See, e.g., Mars, Inc. v. H.J. Heinz Co., 377 F.3d 1369, 1374 (Fed. Cir. 2004) (claim term "ingredients" construed in light of the use of the term "mixture" in the same claim phrase); Process Control Corp. v. HydReclaim Corp., 190 F.3d 1350, 1356 (Fed. Cir. 1999) [*28] (claim term "discharge rate" construed in light of the use of the same term in another limitation of the same claim).

[HN16] Other claims of the patent in question, both asserted and unasserted, can also be valuable sources of enlightenment as to the meaning of a claim term. Vitronics, 90 F.3d at 1582. Because claim terms are normally used consistently throughout the patent, the usage of a term in one claim can often illuminate the meaning of the same term in other claims. See Rexnord Corp. v. Laitram Corp., 274 F.3d 1336, 1342 (Fed. Cir. 2001); CVI/Beta Ventures, Inc. v. Tura LP, 112 F.3d 1146, 1159 (Fed. Cir. 1997). [HN17] Differences among claims can also be a useful guide in understanding the meaning of particular claim terms. See Laitram Corp. v. Rexnord, Inc., 939 F.2d 1533, 1538 (Fed. Cir. 1991). For example, the presence of a dependent claim that adds a particular limitation gives rise to a presumption that the limitation in question is not present in the independent claim. See Liebel-Flarsheim Co. v. Medrad, Inc., 358 F.3d 898, 910 (Fed. Cir. 2004).

2

[HN18] The claims, of course, do not stand alone. Rather, [*29] they are part of "a fully integrated written instrument," Markman, 52 F.3d at 978, consisting principally of a specification that concludes with the claims. For that reason, claims "must be read in view of the specification, of which they are a part." Id. at 979. As we stated in Vitronics, the specification "is always highly relevant to the claim construction analysis. Usually, it is dispositive; it is the single best guide to the meaning of a disputed term." 90 F.3d at 1582.

This court and its predecessors have long emphasized the importance of the specification in claim construction. In Autogiro Co. of America v. United States, 181 Ct. Cl. 55, 384 F.2d 391, 397-98 (Ct. Cl. 1967), [HN19] the Court of Claims characterized the specification as "a concordance for the claims," based on the statutory requirement that the specification "describe the manner and process of making and using" the patented invention. The Court of Customs and Patent Appeals made a similar point. See In re Fout, 675 F.2d 297, 300 (CCPA 1982) ("Claims must always be read in light of the specification. Here, the specification makes plain [*30] what the appellants did and did not invent . . . .").

Shortly after the creation of this court, Judge Rich wrote that [HN20] "the descriptive part of the specification aids in ascertaining the scope and meaning of the claims inasmuch as the words of the claims must be based on the description. The specification is, thus, the primary basis for construing the claims." Standard Oil Co. v. Am. Cyanamid Co., 774 F.2d 448, 452 (Fed. Cir. 1985). On numerous occasions since then, we have reaffirmed that point, stating that [HN21] "the best source for understanding a technical term is the specification from which it arose, informed, as needed, by the prosecution history." Multiform Dessicants, 133 F.3d at 1478; Metabolite Labs., Inc. v. Lab. Corp. of Am. Holdings, 370 F.3d 1354, 1360 (Fed. Cir. 2004) ("In most cases, the best source for discerning the proper context of claim terms is the patent specification wherein the patent applicant describes the invention."); see also, e.g., Kinik Co. v. Int'l Trade Comm'n, 362 F.3d 1359, 1365 (Fed. Cir. 2004) ("The words of patent claims have the meaning and scope with which they are used in the specification [*31] and the prosecution history."); Moba, B.V. v. Diamond Automation, Inc., 325 F.3d 1306, 1315 (Fed. Cir. 2003) ("The best indicator of cl aim meaning is its usage in context as understood by one of skill in the art at the time of invention.").

That principle has a long pedigree in Supreme Court decisions as well. See Hogg v. Emerson, 47 U.S. (6 How.) 437, 482, 12 L. Ed. 505 (1848) [HN22] (the specification is a "component part of the patent" and "is as much to be considered with the [letters patent] in construing them, as any paper referred to in a deed or other contract"); Bates v. Coe, 98 U.S. 31, 38, 25 L. Ed. 68, 1879 Dec. Comm'r Pat. 365 (1878) ("in case of doubt or ambiguity it is proper in all cases to refer back to the descriptive portions of the specification to aid in solving